the *WSJ* (page 1 of Section B). Hwang explained the theory that historically, when cigarette advertising has been restricted, weaker brands lose market share and consequently, the more successful brands become stronger.

22 "Lighting a Fire: Long FDA Campaign and Bit of Serendipity Led to Tobacco Move," by Laurie McGinley and Timothy Noah, appeared in the *WSJ* (page 1). The article discussed the increasingly hostile environment toward tobacco smoking from the mid `80s to the present and the events leading up to President Clinton's and Commissioner Kessler's unveiling of the proposed FDA regulations on cigarette marketing and sales.

28 An article in *Business Week s* "News Analysis and Commentary" column appeared, titled "The FDA vs. Big Tobacco," which questioned FDA authority with a sidebar, "Warning: Cigarette Bans Do Not Curb Teen Smoking."

September 1995

1 "Philip Morris sending FDA Mail from Critics," by Peter Hardin of *The Richmond Times Dispatch,* reported that approximately 160,000 signed forms have been collected by PM, its contractors and consultants.

11 The *WSJ* reported that a group of tobacco-state congressmen introduced legislation to block the FDA's proposed regulation for limiting tobacco access to minors. The congressmen are Reps. L.F. Payne (D-Va.), Cass Ballenger (R-N.C.), Bart Gordon (D-Tenn.), plus 17 other cosponsors. A separate bill to overturn a provision in the FDA's proposed rule to ban name-brand sponsorship of tobacco companies in car races was introduced by Rep. David Funderburk (R-N.C.).

26 Rep. Scotty Baesler (D-Ky.) introduced legislation to penalize both the buyer and seller when underage youths purchase cigarettes. Under the bill, a store clerk selling cigarettes to minors would be punished in the same fashion as a salesperson caught selling alcohol to a minor, depending on the state. Furthermore, the minor would be fined $100 for a first offense and made to perform community service or attend mandatory education classes on the hazards of smoking cigarettes. A person under the age of 18 using a false ID would be fined $250. This bill would therefore bar the FDA from regulating the tobacco industry.

An advisory panel of the FDA recommended nonprescription sales of nicotine gum for smokers.

29 Sen. Jesse Helms (R-N.C.) introduced a bill to prohibit regulation of tobacco products and tobacco sponsorships of stock-car racing.

30 Commissioner Kessler spoke to the Tobacco-Free Florida Coalition during a meeting at the University of South Florida College of Public Health to promote the Clinton administration's plan to keep cigarettes away from teenagers.

October 1995

5 The five major tobacco companies filed a motion for summary judgment.

6 In a federal court in Greensboro, N.C., the National Association of Convenience

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

Stores sued the FDA to block its plan to regulate the sale of cigarettes to minors.

The FDA asked the court in Greensboro, N.C., to dismiss the suit by five tobacco companies, saying the suit was premature since the FDA "has taken no final action."

PM issued a statement to AP saying, "The FDA's request that a federal judge throw out the tobacco industry's challenge of the agency's unprecedented usurpation of congressional authority has no merit and is nothing more than an effort to avoid judicial review of the FDA's grab for regulatory power."

9 *The National Review* published the editorial "Anti-Medicine Man," by Henry Miller, M.D., who held a variety of posts at the FDA from 1979 to 1993. In the piece, Miller states that during his 15 years with the FDA, never before has raw political influence been permitted to dictate FDA decisions as in the Clinton administration and sharply criticizes Kessler's decision-making. Another story in the same issue, "The Kessler Kastle," discussed Kessler's power-grabbing.

13 An in-depth interview with Rep. Henry Waxman (D-Calif.) appeared in *Tobacco Reporter.*

17 An article in the *WSJ* by Tim Noah reported that the FDA had received nearly 30,000 form letters, most protesting tobacco regulation. The story showed that at least some of the letters had been printed by PM and also included a copy of an RJR full-page newspaper ad. Additionally, according to the report, many advertising agencies, magazine publishers, bar owners and stock-car racing fans have voiced their disapproval of the proposed tobacco regulation.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

- **FTC**

June 1995

7 PM USA agreed to stop placing cigarette billboards in prominent view of TV cameras at professional sports arenas and playing fields during televised baseball, basketball, football and hockey games across the United States. The agreement between PM and the Department of Justice bars placement of cigarette ads in locations "most likely" to appear on TV during those broadcasts.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

- **OSHA**

January 1995

The Department of Energy (DOE) issued "Choices in Risk Assessment," a report that sharply questions the manner in which the EPA and OSHA have chosen and manipulated scientific data to discourage smoking. The report also justifies a proposed total smoking ban in U.S. workplaces.

17 Representatives from RJR testified during OSHA hearings that studies used to support the proposed nearly total ban on smoking in the workplace as a health hazard were flawed. Rather than use ETS or a surrogate, most of the studies used mainstream smoke, which is known to be physically and chemically very different from ETS. Not only is ETS epidemiology flawed, none of the studies OSHA has cited and relied upon actually measured ETS exposure in the workplace.

26 The OSHA reform bill was introduced by Rep. Joel Hefley (R-Colo.) to establish and amend criteria for the development of safety and health standards.

Rep. Cass Ballenger (R-N.C.) introduced legislation proposing sweeping reform of OSHA rulemaking and enforcement.

March 1995

3 A "rapid response team" was created by OSHA to look for assertions it believes are not true or only partially true.

13 OSHA hearings adjourned on the IAQ/indoor workplace smoking ban.

April 1995

19 According to a report, a Washington, D.C., think tank reportedly unveiled a proposal recommending abolishing OSHA along with several other cabinet-level departments.

June 1995

14 The post-hearing comment period with regard to the OSHA hearings was extended at the request of OSHA. The first part of the comment period to submit written information was extended from July 3 to Sept. 1, 1995; the second part, for submitting post-hearing briefs, was extended from Sept. 11 to Nov. 13, 1995.

August 1995

14 The House Oversight and Investigations Subcommittee investigated the connection between an OSHA employee and a former employer, Meridian Research. The situation in question centered around a contract entered into with OSHA to assess existence of a link between ETS exposure in the workplace and increased risk of lung cancer and heart disease.

18 OSHA entered approximately 1,600 scientific documents into the docket – the vast majority were on ETS and alleged health effects.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

31 Two motions to disqualify PM testimony were submitted by the Virginia Group to Alleviate Smoking in Public (GASP).

September 1995

1 The "1995 Meridian Report" was filed as a post-hearing submission to OSHA's indoor air and indoor smoking rulemaking docket. Titled "Epidemiologic Studies on the Association Between Environmental Tobacco Smoke and Disease: Lung Cancer and Heart Disease," the report was prepared by Kenneth G. Brown, Inc., the same contractor who helped author the EPA's "Risk Assessment" on ETS.

14 Judge John Vittone, the administrative law judge presiding over the OSHA hearing on its proposed indoor air and indoor smoking rulemaking, denied two motions to disqualify PM testimony submitted by GASP.

26 PM requested that OSHA verify that all submissions were properly entered into the docket and available for review, at which point PM would have 120 days to file a responsive brief.

October 1995

23 Judge Vittone issued an order for extension for filing post-hearing briefs. The new deadline was set for Jan. 16, 1996.

November 1995

14 A Congressional Research Service (CRS) report titled "Environmental Tobacco Smoke and Lung Cancer" was released by Sen. Wendell Ford (D-Ky.). The report questioned the validity of the EPA risk assessment on ETS, criticized the science underlying the proposed OSHA rulemaking and reinforced previous CRS testimony on ETS made before Congress last year.

Subsequent to the report's release, Sen. Ford, Rep. Scotty Baesler (D-Ky.) and four other senators wrote OSHA requesting a re-evaluation of the proposed rulemaking in light of the report.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

- **ETS**

January 1995

5 The Centers for Disease Control (CDC) issued a report in which researchers speculated that asthma cases may have increased due to ETS exposure, air pollution and smoking.

7 According to a report in *The Chronicle,* Japan Tobacco Inc. announced the development of a smokeless cigarette.

10 A *WSJ* article reported that Mayor Rudolph Giuliani had signed into law a New York City smoking law to take effect April 10.

11 *The Globe and Mail,* reported that Health Canada launched two television and newspaper ads featuring infants and children being exposed to ETS.

25 *USA Today* reported that eight U.S. and European airlines were granted antitrust immunity by the DOT to discuss a mutual smoking ban on trans-Atlantic flights.

February 1995

According to news reports, two days after the Mayor of São Paulo (Brazil) announced a decree banning smoking in more than 40,000 restaurants and bars, two restaurants were able to obtain an injunction against the new law.

3 The Tobacco Institute of Australia (TIA) was accused by Simon Chapman of misleading the country's business community through the distribution of the booklet, "Clearing the Air for All."

24 According to *USA Today*, Virgin Atlantic Airlines will introduce a nonsmoking policy on all flights worldwide, except on its London to Tokyo route, beginning May 1, 1995.

The Australian Trade Practices Commission (ATPC) advised the TIA that it received a complaint regarding claims made by TIA's booklet "Clearing the Air for All." The complainant failed to identify itself to the commission.

March 1995

"Misclassification of Smoking Status Among Women in Relation to Exposure to Environmental Tobacco Smoke," by Riboli, et al,,., was published. This study attempts to show that misclassification of nonsmokers in ETS epidemiological studies is less than 2 percent.

2 According to *Reuters* wire stories, restrictions on smoking in all European Parliament buildings have been approved as an amendment to the commission's 1995-99 action plan to fight cancer in Europe.

8 A study published in the *Journal of the American Medical Association* reported that infants in households where people smoke are more than twice as likely to die of sudden infant death syndrome (SIDS) as those in smoke-free environments.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

A study published in the *Journal of the American Medical Association* showed that the number of regulations restricting smoking had increased dramatically during the past year, but that the new laws offered little protection for workers.

9 The TIA responded to ATPC regarding the accuracy of the booklet "Clearing the Air for All," and sent materials to demonstrate that the booklet was factually accurate.

16 A study published in the *New England Journal of Medicine* reported an unusual frequency of p53 mutations in people with mouth and throat cancer; the crucial "guardian angel" gene was found in smokers. The new research suggested that tobacco smoke, especially when accompanied by alcohol, markedly raised the risk of p53 mutation in the cells between the lip and the larynx.

20 According to press reports, the alleged health effects of exposure to ETS were the subject of a campaign sponsored in part by the Washington chapter of the American Academy of Pediatricians.

22 According to a press report, eight nonsmokers filed suit and claimed that Japan Tobacco Inc. had a duty to pay compensation for damages allegedly caused by ETS exposure.

27 Maryland Gov. Parris Glendening signed into law an emergency bill that would permit smoking in a number of venues affected by the workplace smoking ban promulgated by the Commissioner of the Division of Labor and Industry and scheduled to go into effect March 27.

April 1995

The Spring 1995 issue of *Forbes* (Media Critic" section by Jacob Sullum) published a three-page postscript to "Whiffs on Risk."

10 New York City's anti-smoking law went into effect. The law forbids smoking in the dining areas of restaurants seating more than 35 patrons. Smoking still will be permitted in separate lounges and at bars six feet away from the nearest dining table.

11 Researchers Joseph DiFranza and Robert A. Lew reported in the April issue of the *Journal of Family Practice* that smoking may cause as many as 7.5 percent of all miscarriages. The article is based upon a meta-analysis of approximately 100 studies related to smoking, natal and neonatal health.

May 1995

8 PM Europe S.A. launched a pan-European issues campaign and placed full-page ads in five major publications. The concept of the ads was "The passion to regulate down to the finest detail of people's lives can lead to infringements of personal liberty."

11 EEC Commissioner Padrig Flynn issued a statement in response to PM Europe S.A. on the subject of smoking.

12 A California-EPA committee voted not to recommend ETS for identification as a developmental and reproductive toxicant under California's Proposition 65.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

24 According to press reports, after Czech Republic President Havel refused to sign into agreement an "anti-smoking" amendment, it was rejected by the national parliament which had previously approved it. The amendment would have banned smoking in restaurants, cafes and pubs, among other places.

June 1995

A decree reportedly issued in June 1995 implemented a law to regulate smoking in most public places throughout Costa Rica.

A study by Riboli et al,,, titled "Validity of Urinary Biomarkers of Exposure to Tobacco Smoke Following Prolonged Storage" was published. The authors attempt to explore the usefulness of cotinine for discriminating between smokers and nonsmokers after more than 10 years of storage.

9 The National Smokers Alliance (NSA) a U.S. smokers' rights group, placed a full-page advertisement in the *WSJ*

July 1995

"Characteristics of Nonsmoking Women in NHANES I and NHANES II Epidemiologic Follow-up Study with Exposure to Spouses Who Smoke," by Matanoski et al,,, concluded that "we need to look at passive smoking and diet together rather than trying to judge the influence of one factor alone."

"Relation Between Exposure to Environmental Tobacco Smoke and Lung Cancer in Lifetime Non-smokers" by Kabat, et al,,, concluded, "While this study had limited sample size, the pattern of odds ratios shows little indication of an association of environmental tobacco smoke with lung cancer in nonsmokers."

12 *The London Times* reported that Beryl Roe received UK$25,000 in an out-of-court settlement from her employer, claiming ETS exposure and bad ventilation in her office had caused her ill health.

18 In Israel, a law instituted in October 1994 on a one-year basis, which prohibited and/or restricted smoking in all workplaces, was reportedly made permanent.

August 1995

The California office of the EPA released an external review draft of "Environmental Tobacco Smoke: Exposure Measurements and Prevalence." This represents the fifth draft chapter in a comprehensive risk assessment on ETS to be made available for public review.

14 "Lies, damned lies and medical statistics" by Philip E. Ross appeared in *Forbes* magazine. The article discussed how business, doctors and the medical community prey on the anxieties of the general public.

September 1995

13 According to press reports, Japan Airlines started testing a new system designed to keep ETS from spreading to the nonsmoking sections of an airplane.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

15 According to press reports the Olympic Committee set a smoke-free policy for the 1996 games in Atlanta.

27 A study published in the *Journal of the American Medical Association* (vol. 274, no. 12), titled "Occupational Exposure to Environmental Tobacco Smoke," by Hammond, et al,,, claimed that workplace exposure to ETS constituted a substantial risk to workers.

October 1995

2 The Executive Committee of the International Civil Aviation Organization (ICAO) adopted a report presented during the plenary session. The document stated that ICAO would monitor progress of the implementation of the 1992 resolution, urging member states to ban smoking on flights and consider the possibility of studying the development of separate smoking cabins for aircraft.

23 The EPA announced its first-ever policy on evaluating health risks to children and infants from environmental hazards in the air, land, food and water. The announcement took place Nov. 1, 1995.

PM Europe S.A. reportedly launched another series of advertisements in major news publications. The ads conclude with the statement, "With courtesy and consideration, smokers and nonsmokers can and do work it out for themselves."

November 1995

14 The Congressional Research Service (CRS) produced a report titled "Environmental Tobacco Smoke and Lung Cancer" which was released by Sen. Wendell Ford (D-Ky.). The report questioned the validity of the EPA risk assessment on ETS, criticized the science underlying the proposed OSHA rulemaking and reinforced previous CRS testimony on ETS made before Congress last year. Following the report's release, Sen. Ford and Rep. Scotty Baesler (D-Ky.), and four senators wrote OSHA requesting a re-evaluation of the OSHA proposed rulemaking in light of the report.

22 The National Health & Medical Research Council released a draft report of "The Health Effects of Passive Smoking." The report concluded that positive associations exist between passive smoking and certain diseases, including asthma in children, lower respiratory tract illness and lung cancer. The draft report is now open for public comment until Jan. 31, 1996.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

- ASHRAE/BAQA

January 1995

13 According to *"Inside EPA,"* The Building Air Quality Alliance (BAQA), a program designed by the EPA to reward building owners and managers for implementing prescribed indoor air quality protection measures (amounting to smoking bans), has been criticized by industry sources who say the program is regulatory in nature and therefore unauthorized by Congress.

The purported benefit to participation in the BAQA program is public recognition and provision of materials to advertise participation.

30 SSPC 62, the ASHRAE project committee responsible for drafting a revision to Standard 62-89, met for three days at the end of January. Little progress was made.

February 1995

6 According to *Indoor Pollution News*, an allegation that EPA failed to comply with the Paperwork Reduction Act delayed the launch of the BAQA project from its original January target date.

March 1995

1 According to the *Federal Register*, the EPA summarized its application for approval of paperwork requirements for their BAQA project and asked for public comment. The comment period ended March 31.

14 In a letter to a member of Congress, EPA Administrator Carol Browner provided assurances that nonparticipating businesses in the BAQA program would not be harmed in any way and that the program is truly voluntary.

May 1995

23-24 Browner testified regarding EPA's budget request for FY'96 and was questioned regarding the BAQA program.

25 In a letter to the EPA, Rep. Joe Barton (R-Texas) criticized the EPA with regard to the funding of the revision to ASHRAE 62-89. The funding took place shortly after EPA's Gene Tucker was confirmed as chairman of the ASHRAE committee in charge of the revision.

Rep. Barton criticized the BAQA program for its "coercive effect on the marketplace." He asked for the EPA to submit to his committee numerous items to further an investigation into possible "breaches of integrity within the agency."

June 1995

6 The EPA withdrew its application for approval of BAQA's paperwork requirements.

30 Gene Tucker was replaced as chairman for the revision to ASHRAE 62-89. The committee continued to work (**on what?**).

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

According to press reports, the EPA's Inspector General initiated an investigation into Mr. Tucker's activities with regard to approval for a $200,000 grant to ASHRAE, during his time as chairman of the revision committee.

July 1995

19 At a meeting of the Interagency Committee on Indoor Air, EPA's Robert Axelrad told the group that in relation to BAQA, "this is the last time you will see the Alliance on the agenda, because the program will not see the light of day."

September 1995

According to a press report, Mr. Axelrad canceled a tentatively-scheduled meeting, apparently due to budget cuts, that would have considered ways to salvage the BAQA program.

22 The ASHRAE committee revising Standard 62-1989 on ventilation met in California and continued its attempt to achieve a consensus on outstanding issues prior to the release of the proposed revision for public review. Steve Taylor, an engineer, was appointed as the new chairman of the revision committee. Taylor told committee members that he wants the revised standard ready for public review by Spring of 1996. Although the timetable is ambitious, it is likely to be met.

October 1995

24 At IAQ'95, a conference sponsored by ASHRAE and the EPA, a workshop was held on "Applied Filtration," at which engineers and filtration manufacturers presented solutions for the control of ETS. The workshop was well-attended and positively received by those present.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

- INGREDIENTS

January 1995

13 The *WSJ* published an article on research regarding filter fibers getting lodged in the lungs of smokers.

15 A study published in the *Journal of Cancer Research* stated that filters that reduce the tar inhaled from cigarettes may themselves be dangerous when tiny fibers are inhaled and lodged in the lungs of smokers. Dr. John Pauly, an immunologist at Roswell Park Cancer Institute in New York, reported in the study that he had traced fibers from cigarette packages to pieces of tongue and lungs surgically removed from smokers. Tobacco companies argued that any fibers would be biodegradable, because they are made of cellulose acetate. Hoechst Celanese Corporation, a cellulose acetate maker, said there are no known adverse reactions to the compound, which is also used to make blood filters.

16 The study received wide media coverage in the European press, including the *WSJ Europe*.

23 According to the *Siam Post*, ingredient regulations requiring brand-by-brand disclosure would soon be presented to the Cabinet.

March 1995

28 The Ministry of Public Health (MOPH) in Thailand attempted to propose brand-by-brand ingredient regulation to the Cabinet for approval on March 28.

April 1995

The U.S., Japan and British embassies signed a joint letter to be sent to the director of the committee for the Control of Tobacco Consumption of the MOPH. The industry sent a submission on the issue to the MOPH, urging dialogue on the issue.

May 1995

19 In Thailand, the Cabinet sent the draft regulations to the Juridicial Council for legal review. The Juridicial Council found several minor legal problems and worked directly with the Ministry of Health in revising the draft ingredient regulations.

23 A full-page ad about quitting smoking ran in *The Strait Times* of Singapore. The ad showed a cigarette, substances allegedly found in cigarettes, and other places that these substances are allegedly found. (i.e. "tar" or "road tar"; "arsenic" or "white ant-poison"; "ammonia" or "floor cleaner")

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

August 1995

18 The industry in Thailand submitted an ingredient position-paper and argumentation to selected members of the Cabinet of the new government, following the national elections held on July 7, 1995.

The Juridicial Council forwarded the draft ingredient-regulations to the Office of the Prime Minister (OPM). The OPM placed the draft regulations on the Cabinet agenda for approval.

31 An article published in *O Globo* titled, "The Tobacco Industry Is Investigated." The article included allegations that ammonia was added during the manufacturing of cigarettes "...to increase the release of nicotine." PM Brazil responded to this article.

October 1995

1 The Republic of France published in its *Official Journal* a new list of ingredients permitted to be used in tobacco products. The new list of French ingredients took effect immediately.

9 The Republic of Chile passed Law No. 19,419, titled, "Regulating Activities Relating to Tobacco." Article 6 of the law specifically addressed "additives" and "substances used for the treatment of tobacco."

The law was published in the *Official Gazette* and was to take effect 90 days from that date. Article 6 required the Ministry of Health to obtain ingredient information from manufacturers and importers. Article 6, however, provided no specifics as to the precise ingredient information that must be provided to government.

18 The *WSJ* published an article which claimed that PM USA used ammonia to enhance nicotine delivery to the smoker in order to "increase the potency of the nicotine a smoker actually inhales."

PM USA released a press statement in response to the *WSJ,* which rebutted the claims in the article.

November 1995

14 The U.K. Department of Health issued draft "Guidelines on Additives to Tobacco Products," intended to eventually be issued as part of the U.K. voluntary agreement governing ingredients permitted in tobacco products. The draft guidelines were released by the Technical Advisory Group (TAG) of the Scientific Committee on Tobacco and Health (SCOTH).

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

December 1995

The Australian Senate Committee, which previously conducted hearings that included issues such as ingredients used in tobacco products, had yet to issue its report on those hearings. The report was expected to be issued in Nov. 1995 and anticipated to preview possible government proposals to regulate tobacco-product ingredients.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

- OTHER PRODUCT RELATED ISSUES

May 1995

26 PM USA announced a $100 million recall involving more than 8 billion cigarettes because of manufacturing defects in the filters. PM said that the filters are sprayed with a glycerin-based stiffening agent, or plasticizer, during the manufacturing process. Hoechst Celanese, the vendor who supplies the filter, detected about six chemical contaminants in the plasticizer. PM received a week's worth of media coverage.

June 1995

1 Letters were sent to Congress, state legislatures, and governors.

5 "Big Philip Morris Cigarette Recall May Aid Plaintiffs' Liability Cases," by Milo Geyelin and Edward Felsenthal, appeared in the *WSJ s* law column.

13 The American Cancer Society accused the tobacco industry of infiltrating the agency in the 1970s to learn how it planned to address the idea of safer cigarettes. The society said it discovered its private papers, dating from October 1979, in PM documents specified in a *NYT* article.

14 James Morgan, Chairman and CEO of PM USA, sent a letter to Sheldon Belzer, editor of the Letters to the Editor section of the *NYT,* responding to inaccurate claims made in the June 8th article.

15 "CDC Investigates 12 Reports of Ailments Linked to Philip Morris Cigarette Recall," by Suein Hwang, appeared in the *WSJ.* PM issued the following statement in response to media calls that ensued from this piece:
"PM informed appropriate government agencies of the recall and provided information at that time. PM will continue to cooperate with appropriate government agencies, including the CDC."

19 Peter Grossi, Jr., an attorney for Arnold & Porter, responded to Rep. Waxman's (D-Calif.) claims in a letter to Bill Campbell regarding "new documents" revealed in *NYT* to clear up inaccuracies and innuendoes made by Waxman regarding Campbell's testimony last year.

20 PM USA issued a statement from James Morgan that the recall had been completed and that more than 350,000 retail outlets had been restocked with fresh products. In addition, the statement explained that the plasticizer did not relate to the presence of MITC. MITC is a natural-breakdown product of thione, a packaging preservative approved by the FDA for many years, for use in paperboard production. Thione is used in paperboard packaging, not only for cigarettes but also a wide range of consumer products such as foods, over-the-counter pharmaceutical products and personal-care products. PM's investigation and the opinions of outside independent toxicologists confirmed that the trace amounts of MITC found in some of the filters did not present any safety concerns for consumers. The statement generated only a small number of media calls.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

A letter to congressmen, state legislators and governors of all 50 states was sent along with the PM release.

21 The AMA vowed to oppose any legislation that granted special protection from liability to tobacco companies or tobacco products.

July 1995

24 Rep. Henry Waxman (D-Calif.) took the House Floor to accuse PM of conducting extensive research on nicotine in the past, cites examples of "electroshock" experimentation and research on children. PM USA issued a statement: "PM has always said that it studied why people smoke."

25 The *WSJ* reported, "Tobacco Industry Facing Two Criminal Investigations," by Alix Freedman and Viveca Novak. The article stated that there are two federal investigations underway: one involving statements made by industry executives at the April 1994 congressional hearings, and the other involving PM research activities following a June 8, 1995 *NYT* article.

PM issued a statement to reporters calling in: "PM knows of no grand jury investigation."

26 "U.S. Convenes Grand Jury to Look at Tobacco Industry," was reported in the *NYT*. The article stated that the Justice Department convened a grand jury in New York to investigate whether tobacco companies misrepresented the contents and ill-effects of cigarettes to federal regulators. PM USA confirmed in the story that it had received a subpoena for "some company documents" from the US Attorney for the Southern District of New York.

27 "Tobacco Probe Examines Securities Aspect," by Alix Freedman and Wade Lambert, appeared in the *WSJ*. Federal prosecutors in New York are investigating whether PM Cos. may have committed securities fraud in not disclosing all it knew about the alleged effects of nicotine.

The *NYT* reported that Reps. Charlie Rose (D-N.C.) and Ron Wyden (D-Ore.) presented a proposal to White House aides that could curtail teenage smoking without additional federal regulation. The proposal provided for commitments from tobacco companies of more than $100 million per year to comply with new restrictions on advertising ban on vending machines and ban promotional material.

28 An article in the *WSJ* titled, "Philip Morris Plan Infuriates Cigarette Retailers," appeared criticizing the PM "Action Against Access" initiative as being "ineffective" and without support of the trade.

30 The CBS broadcast, "Face the Nation," discussed the issue, "Tobacco: Is it a Drug?" Reps. Waxman D-Calif.) and Rose (D-N.C.) appeared on the program.

31 Rep. Waxman took the House Floor citing PM "nicotine manipulation," and calling for renewed efforts to move tobacco issues under FDA regulation. PM USA issued the statement in response, "PM USA Charges Waxman with Misleading American Public."

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

"Lawmaker Applies Pressure for Regulation of Nicotine," by Phil Hilts, appeared in the *NYT*. The article reported Rep. Waxman's (D-Calif.) assertions that PM had deliberately manipulated nicotine levels in B&H and Merit Ultra Lights.

August 1995

1 PM USA issued a statement addressing, in more detail, Rep. Waxman's allegations made on July 24: "PM details additional misrepresentations by Waxman."

In that statement, PM responded that Rep. Waxman's allegations that PM conducted research on the pharmacological effects of nicotine on children were false. It also clarified any misconceptions of the studies of smoking and stress among college students.

"Waxman Says Data Suggests Nicotine Was Boosted in Philip Morris cigarettes," by Tim Noah, appeared in the *WSJ*. Noah wrote that Waxman's staff did an analysis of FTC data and suggested that PM deliberately raised nicotine levels in two low-tar cigarettes.

"New Memos Point to Manipulation of Nicotine in Low-Tar Cigarettes," by John Schwartz, appeared in *The Washington Post*.

"Philip Morris Denies Charge by Lawmaker," by Phil Hilts, appeared in the *NYT*.

2 Reps. Durbin (D-Ill.), Meehan (D-Mass.) and Waxman (D-Calif.) announced the results of a California study entitled "Operation Store Front." The study cited the "ineffectiveness" of tobacco and stressed the need to have legislation to curb cigarette access to minors. PM responded by issuing the following statement: "PM Corrects Congressman Waxman Again," and included the March 1981 report by the FTC.

"Philip Morris Calls Charges Misleading," appeared in *The Washington Post* (Reuters).

"Firm knew cigarette tar tested low," by Doug Levy, appeared in *USA Today*. Levy cited text of a lecture by H. Wakeham, PM research director, on March 1, 1974 which reported on studies showing that smokers inhale sometimes twice as much tar and nicotine than the FTC test method predicted.

4 PM USA issued the following statement: "Philip Morris Poses Questions That Congressman Waxman Should Answer."

7 "A Whiff of Smoking Guns," with the caption, "Cigarettes: New Probes Dig Deeper into what Executives Knew About Nicotine," appeared in *Newsweek*.

"Tobacco Industry Faces Laws in Asia to Ban Selling, Advertising to Minors," appeared in the *WSJ*. The article reported that in Seoul, South Korea, the municipal assembly moved to ban cigarette vending machines from public places, and a ban on selling cigarettes to anyone under the age of 18 took effect in Hong Kong. Similar limits have been instituted in Malaysia, Taiwan, Thailand and South Korea.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

19 Researchers from Oxford University released the largest study ever conducted of heart attack survivors. The study found that the risk of heart attacks for adult smokers in their 30s and 40s is five times more likely than non-smokers of the same age.

The study, published in *The British Medical Journal*, was conducted in Britain and involved 46,000 people. Dr. Rory Collins, co-author of the report, stated: "When cigarette smokers have a heart attack in their 30s and 40s, there is an 80 percent chance that tobacco caused it." The study was in reports in both the *NYT* and the *WSJ* on Aug. 18.

27 The *San Francisco Chronicle* reported that the U.S. House of Representatives had directed a federal agency to stop funding research probing tobacco industry efforts to counter anti-smoking policies and legislation initiated by Stanton Glantz, professor of medicine at University of California, San Francisco. The House Appropriations Committee said that Glantz's work should not be paid for by the Cancer Institute since it was political and social-science oriented – not medical or clinical.

September 1995

22 The Canadian Supreme Court ruled that the Tobacco Products Control Act of 1988, which banned almost all advertising of tobacco products, was unconstitutional because it violated free expression. RJR-MacDonald and Imperial Tobacco have fought to overturn the law since 1988.

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9 The *NYT* reported that CBS lawyers ordered "60 Minutes" to not broadcast a planned interview with a former B&W executive. The article reported that CBS lawyers feared they might be held legally responsible for "tortious interference," a term that relates to inducing a party to break a contract. The former employee had signed a non-disclosure contract with B&W when he left the company.

Media coverage continued in the WSJ, *Boston Globe*, the *New York Post, The Daily News , USA Today* and *Newsweek,* through Nov. 15.

10 "Companies Are Paying Big Fees to Get News About Beat Reporters," by Michael Moss, appeared in the *WSJ*. The article alleged that PM hires consultants to generate computer analyses of reporters' articles and enlists industry sources to critique writers they know.

16 Alix Freedman, Elizabeth Jensen and Amy Stevens reported in a *WSJ* article that there was more to the CBS's "60 Minutes" decision not to air the interview than just their lawyers' fear of a law suit. According to this report, the source had not given permission to proceed with the broadcast. The source (Wigand) was paid $12,000 as a consultant fee on a previous "60 Minutes" segment. Additionally, the article reported that a CBS lawyer agreed to indemnify the source against any libel action resulting from the aired segment.

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Source: https://www.industrydocuments.ucsf.edu/docs/rhgl0000

"Avoiding the Issue? More Insecurity from Media on Covering Tobacco Industry," by Rita Ciolli, appeared in *Newsday*. The story discussed the censoring of the "60 Minutes" interview, concluding that the root of this latest decision was due to the ABC trial with PM.

More media coverage followed in *NYT* and *Investors Business Daily*.

17 *The Daily News* revealed Jeffrey Wigand as the former B&W executive and the source for the "60 Minutes" interview when it reprinted excerpts of the transcript in an article. The article also stated that CBS had offered to indemnify Wigand.

Major media coverage followed through Nov. 21.

21 "Brown & Williamson Sues Ex-Executive Over Information Leaks to '60 Minutes," by Suein Hwang, appeared in the *WSJ*. The PM/ABC suit was mentioned briefly.

Media coverage of "60 Minutes" and Wigand continued into the first week of December.

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